

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IBM,

ORDER

Plaintiff,

- against -

17 Civ. 5808 (CS)(PED)

SMITH,

Defendant.

PAUL E. DAVISON, U.S.M.J.:

At a hearing on August 7, 2017, this Court reserved decision concerning defendant's request to share documents deemed confidential by IBM with defendant's putative expert, Bernard Golden, and directed defendant to provide IBM with a list of Mr. Golden's consulting clients. Defendant complied with that directive, and with a followup Order entered by the Court on August 9, 2017. [Dkt. 38.] The parties have submitted letter-briefs outlining their positions. [Dkt. 37, 39.]

Defendant's request is **DENIED**. The Court is persuaded that Mr. Golden's acknowledged continuing consulting relationship with Google in particular is a sufficient basis to deny Mr. Golden access to information produced in connection with this action but deemed highly confidential by IBM.

Nothing in this Order precludes defendant from proffering Mr. Golden as an expert, or from submitting a renewed application to share information with a different expert.

Dated: August 10, 2017
White Plains, New York

SO ORDERED

Paul E. Davison, U.S.M.J.